

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

FILED

2014 JUL -8 P 2:39

In the matter of:

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

CITY OF DETROIT, MICHIGAN

Case No. 13-53846-swr

Chapter 9

Debtor _____ /

Hon. STEVEN W. RHODES

OBJECTION TO CITY OF DETROIT'S PLAN OF ADJUSTMENT [DOCKET 2708]

FILED BY: Jan Kruszewski

Jan Kruszewski hereby states his/her/their OBJECTION TO:

CITY OF DETROIT'S PLAN OF ADJUSTMENT

for the following reasons.

1. I / we am/are interested in the Bankruptcy of the City of Detroit because I am a City of Detroit retiree.

2. I / we object to the above filing because:
The ambiguity of the Pension Clause being "trumped" in Federal Court and the enforcement of following Constitutional law.

3. I have attached additional sheets to explain and establish my position.

I hereby certify that the statements made herein are true and correct under penalty of perjury and contempt of Court under the laws of the United States of America.

Wherefore I/ we request the Court will deny the relief sought in said filing.

Name: Jan Kruszewski

Signature: Jan Kruszewski

Address: 420 Knollwood Dr
Lake Orion MI 48362

Email: JKRUS55@yahoo.com

Dated:

To the Honorable Judge Steven Rhodes

On March 14, 2013 Emergency Financial Manager (EFM) Kevin Orr Swore the oath to “support the Constitution of the United States and of the State of Michigan” filed with the Secretary of State. He then proceeded to violate Michigan Constitution Article IX Section 24 aka “Pension Clause” by stating the Pension Clause is “Trumped” in Federal Bankruptcy Court. The United States Supreme Court ruling “United States vs. Bekins” 304 US27 (1938) say “The State acts in aid and not derogation of its sovereign powers”? Does this not violate the “Tenth Amendment” to the United States Constitution as well? Is the Federal Bankruptcy Court going to allow these violations?

I would like the Court to take notice of the EFM’s bankruptcy filing April 16, 2014 Docket 4140 page-41- (48 of 301) Section “E” which I have also enclosed a copy. Section “E” as printed “No Diminution of State Power:” “No provision of this Plan shall be construed (3) as a waiver by the State of its rights as a sovereign or rights granted to it pursuant to the “Tenth Amendment” to the United States Constitution, or limit or diminish the State’s exercise of such rights”. By including that statement in the Bankruptcy filing doesn’t it mandate the State to follow State Constitutional Law? Doesn’t it have to abide by State Constitutional law and honor the Pension Clause?

How can the Constitutional Pension Clause be irrelevant since the US Supreme Court ruling “Marbury vs. Madison” (1803) stated “it cannot be presumed that any clause in the Constitution is intended to be without effect”? Can the Court explain why a Constitutional Law be “trumped” when it was written “exactly” for this type of financial circumstance?

I also ask the Court if it is “legal” for the State to “trump” Federal Law. US Department of Labor “13(c) Federal Transit Law” protects transit workers pensions from entities receiving Federal Grants or aid? I ask the Federal Bankruptcy Court to please explain to me, an American Citizen of the United States and a legal resident of the State of Michigan, which Constitutional Law was written to protect the Rights of American Citizens was written as merely a whim and has no bearing when it is applied to Citizen Rights.

Sincerely,

Jan Kruszewski
City of Detroit Pensioner